IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE N.V. RAMANA

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WRIT PETITION NO : 10466 of 1995

Between:

S. Vedam, S/o. V. Swayambu Iyer, R/o. No. 127, Angappa Street, Madras, R/o. No.127, Angappa Street, Madras, rep. by his G.P.A. Holder Mr.G.Raju,S/o. G. Gopalakrishnan, 45 years, R/o. Plot No. 193, Cheran Street, Ganesh Nagar, MADRAS - 73.

..... PETITIONER

AND

1 The Controlling Authority Under Payment of Gratuity Act, 1972 cum- The Asst. Labour Commissioner (Central) ATI Campus, Vidyanagar,Hyderabad.
2 P.C. Peeraiah, Ex-workmen, Associated Mineral-Corporation (AMC), Mangampet Post, Agraharam, Railway Kodur, Cuddapah District, A.P.
3 Tiffin's Barytes Asbestos & Paints Ltd. rep. by S. Vedam Partner, Andhra Chambers-Buildings, No.127, Angappa Street, P.B.No.72, Madras -600 001.
4 Mr. Madalam Prabhakar, Managing PArtner, Associated Mineral-Corporation, 22/27, Wakalam Street, Ananthapur, A.P. - 515 001.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue notice, call for the records and quash and set aside the impugned order made in Case No. 48/9/94-E2/E5, dt. 31-3-1995 on the file of the Controlling Authority under Payment of Gratuity Act of 1972 cum- Asst. Labour Commissioner (Central), Hyderabad, by issuing a writ of certiorari or any other appropriate writ or order or direction as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.P.NAGESWAR SREE

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.4 : Mr G. Nageswara Rao

The Court made the following :

ORDER:

The writ petitioner, by way of this writ petition, challenges the impugned order made in Case No.48/9/94-E2/E5 dated 31-3-1995 on the file of Controlling Authority under payment of Gratuity Act of 1972 –Cum-Asst. Labour Commissioner (Central) Hyderabad.

It is the case of the petitioner that he is not the employer and therefore the order passed by the authority is illegal and without jurisdiction.

Against the impugned order, a statutory appeal lies to the Appellate Authority under the provisions of Payment of Gratuity Act. The petitioner, without availing the statutory remedy, has straight away approached this Court.

Under these circumstances, I dispose of the writ petition leaving it open to the petitioner to approach the appellate authority under the Payment of Gratuity Act. No costs.

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N.V. RAMANA, J

Dt. 04-11-2004

Kvrk

To

1 The Controlling Authority Under Payment of Gratuity Act, 1972 cum-
The Asst. Labour Commissioner (Central) ATI Campus,
Vidyanagar,Hyderabad.
2. Two CCs to GP for Labour, High Court of AP, Hyderabad(OUT)

3. Two CD copies.

HON'BLE SRI JUSTICE N.V. RAMANA

W.P.NO. 10466 OF 1995

4th NOVEMBER 2004